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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. _____

To authorize the Secretary of Transportation to make grants to public transportation agencies, over-the-road bus operators, railroads, and other certain entities to improve security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MICA (for himself, Mr. DUNCAN, Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. COBLE, Mr. EHLERS, Mr. LATOURETTE, Mr. GARY G. MILLER of California, Mr. HAYES, Mr. BROWN of South Carolina, Mr. PLATTS, Mr. MACK, Mr. KUHLM of New York, Mr. WESTMORELAND, Mrs. SCHMIDT, Mr. BOUSTANY, Mrs. DRAKE, Ms. FALLIN, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on

A BILL

To authorize the Secretary of Transportation to make grants to public transportation agencies, over-the-road bus operators, railroads, and other certain entities to improve security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Transportation
3 and Rail Security Assistance Act of 2007”.

4 **TITLE I—PUBLIC**
5 **TRANSPORTATION SECURITY**

6 **SEC. 101. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) throughout the world, public transportation
9 systems have been a primary target of terrorist at-
10 tacks, causing countless deaths and injuries;

11 (2) 5,800 public transportation agencies operate
12 in the United States;

13 (3) 14,000,000 people in the United States ride
14 public transportation each work day;

15 (4) safe and secure public transportation sys-
16 tems are essential to the Nation’s economy and for
17 significant national and international public events;

18 (5) the Federal Transit Administration has in-
19 vested \$84,500,000,000 since 1992 for construction
20 and improvements to the Nation’s public transpor-
21 tation systems;

22 (6) the Federal Government appropriately in-
23 vested \$19,600,000,000 in fiscal years 2002 through
24 2006 to protect the Nation’s aviation system and its
25 2,000,000 daily passengers;

1 (7) the Federal Government invested
2 \$380,000,000 in fiscal years 2003 through 2006 for
3 grants to protect public transportation systems in
4 the United States;

5 (8) the Federal Government has invested \$9.00
6 in aviation security improvements per passenger, but
7 only \$0.01 in public transportation security improve-
8 ments per passenger;

9 (9) the Government Accountability Office, the
10 Mineta International Institute for Surface Transpor-
11 tation Policy Studies, the American Public Trans-
12 portation Association, and other experts have re-
13 ported an urgent need for significant investment in
14 transit security improvements;

15 (10) Federal financial assistance for transit se-
16 curity improvements should be separate from and
17 supplementary to funding for longstanding Federal
18 programs for investment in public transportation in-
19 frastructure;

20 (11) the final report of the National Commis-
21 sion on Terrorist Attacks Upon the United States
22 (also known as the “9/11 Commission”) found that
23 the Federal Government should—

24 (A) identify and evaluate the transpor-
25 tation assets that need to be protected, set risk-

1 based priorities for defending them, and select
2 the most practical and cost-effective ways of
3 doing so;

4 (B) develop a plan, a budget, and funding
5 to implement the effort; and

6 (C) assign roles and missions to the rel-
7 evant authorities (Federal, State, regional, and
8 local) and to private stakeholders;

9 (12) the final report of the 9/11 Commission
10 also found that homeland security assistance should
11 be based strictly on an assessment of risks and
12 vulnerabilities; and

13 (13) the Federal Government has a duty to
14 deter and mitigate, to the greatest extent prac-
15 ticable, threats against the Nation's public transpor-
16 tation systems.

17 (b) PURPOSE.—The purpose of this title is to provide
18 grants to public transportation agencies and over-the-road
19 bus operators to improve security in a manner consistent
20 with the recommendations of the 9/11 Commission de-
21 scribed in subsections (a)(11) and (a)(12).

22 **SEC. 102. DEFINITIONS.**

23 In this title, the following definitions apply:

24 (1) PUBLIC TRANSPORTATION.—The term
25 “public transportation” has the meaning given the

1 term in section 5302(a) of title 49, United States
2 Code.

3 (2) PUBLIC TRANSPORTATION SECURITY AS-
4 SESSMENT.—The term “public transportation secu-
5 rity assessment” means a risk assessment (including
6 a criticality or vulnerability assessment) of a public
7 transportation system conducted pursuant to the
8 annex executed under section 3028(b) of the Safe,
9 Accountable, Flexible, Efficient Transportation Eq-
10 uity Act: A Legacy for Users (49 U.S.C. 5321 note;
11 119 Stat. 1624).

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Transportation, except as otherwise
14 specifically provided.

15 **SEC. 103. COMPONENTS OF SECURITY ASSESSMENTS AND**
16 **PRIORITIZED PLANS.**

17 (a) SECURITY ASSESSMENTS.—The Secretary shall
18 request that the Secretary of Homeland Security take nec-
19 essary actions to ensure that the public transportation se-
20 curity assessment of each public transportation system
21 identifies—

22 (1) the critical assets of the public transpor-
23 tation system;

24 (2) threats to those assets;

(3) security weaknesses in the public transportation system and its assets;

(4) redundant and backup systems required to ensure the continued operation of critical elements of the public transportation system in the event of an attack or other incident; and

(5) the extent to which public transportation employees, including bus and rail operators, mechanics, customer service personnel, maintenance employees, transit police, and security personnel, have received training in security awareness and public transportation system emergency response procedures.

(b) **PRIORITIZED PLANS.**—A public transportation agency that has received an assessment described in subsection (a) shall develop, in consultation with the Secretary of Homeland Security, a prioritized plan of needed capital and operational security improvements based on the results of the assessment.

20 SEC. 104. NATIONAL PUBLIC TRANSPORTATION SECURITY
21 NEEDS ASSESSMENT.

(a) IN GENERAL.—The Secretary shall develop a national public transportation security needs assessment (in this section referred to as the “national assessment”) to determine the total costs of needed capital and operational

1 security improvements for the Nation's public transpor-
2 tation systems.

3 (b) USE OF PRIORITIZED PLANS DEVELOPED BY
4 PUBLIC TRANSPORTATION AGENCIES.—The Secretary
5 shall develop the national assessment based on prioritized
6 plans developed by public transportation agencies under
7 section 103(b).

8 (c) RECOMMENDED FUNDING LEVELS.—The na-
9 tional assessment shall include recommended funding lev-
10 els for each of fiscal years 2008 through 2010 for carrying
11 out the capital security assistance program authorized by
12 section 105(a) and the operational security assistance pro-
13 gram authorized by section 105(b).

14 (d) REPORT.—Not later than 90 days after the date
15 of enactment of this Act, the Secretary shall transmit to
16 the Committee on Transportation and Infrastructure of
17 the House of Representatives and the Committee on
18 Banking, Housing, and Urban Affairs of the Senate a re-
19 port containing the national assessment.

20 **SEC. 105. SECURITY ASSISTANCE GRANTS.**

21 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall make
23 grants directly to eligible public transportation agen-
24 cies for capital security improvements described in
25 paragraph (2).

1 (2) ALLOWABLE USE OF FUNDS.—Grant funds
2 received under paragraph (1) shall be used for—

3 (A) tunnel protection systems;

4 (B) perimeter protection systems;

5 (C) redundant critical operations control
6 systems;

7 (D) chemical, biological, radiological, or ex-
8 plosive detection systems;

9 (E) surveillance equipment;

10 (F) inspection technology;

11 (G) interoperable communications systems
12 and equipment, including mobile service equip-
13 ment to provide access to 911 emergency serv-
14 ices in an underground fixed guideway system;

15 (H) emergency response equipment;

16 (I) fire suppression and decontamination
17 equipment;

18 (J) global positioning or automated vehicle
19 locator type system equipment;

20 (K) evacuation improvements;

21 (L) security training for transit employees,
22 including bus and rail operators, mechanics,
23 customer service employees, maintenance em-
24 ployees, transit police, and security personnel;

25 (M) live or simulated drills; and

1 (N) other capital security improvements.

2 (3) GOVERNMENT'S SHARE.—A grant for a cap-
3 ital security improvement project under this sub-
4 section shall be for 80 percent of the net project cost
5 of the project. The recipient may provide additional
6 local matching amounts.

7 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
8 GRAM.—

9 (1) IN GENERAL.—The Secretary shall make
10 grants directly to eligible public transportation agen-
11 cies for operational security improvements described
12 in paragraph (2).

13 (2) ALLOWABLE USE OF FUNDS.—Grant funds
14 received under paragraph (1) shall be used for—

15 (A) public awareness campaigns for en-
16 hanced public transportation security;

17 (B) canine patrols for chemical, biological,
18 or explosives detection;

19 (C) overtime reimbursement for enhanced
20 security personnel during significant national
21 and international public events, consistent with
22 the priorities established under subsection (e);
23 and

24 (D) other appropriate security improve-
25 ments identified under subsection (e), including

1 hiring additional security personnel determined
2 necessary under subsection (e), but excluding
3 routine, ongoing personnel costs.

4 (3) GOVERNMENT'S SHARE.—A grant for an
5 operating security improvement project under this
6 subsection may not exceed 50 percent of the net
7 project cost of the project.

8 (c) ELIGIBILITY.—A public transportation agency
9 shall be eligible for a grant under this section if the agency
10 has received or is undergoing a public transportation secu-
11 rity assessment.

12 (d) ALLOCATIONS.—

13 (1) IN GENERAL.—The Secretary, in consulta-
14 tion with the Secretary of Homeland Security, shall
15 allocate grant funds under this section based on the
16 results of public transportation security assessments
17 described in section 103(a) and in a manner that
18 prioritizes the award of grant funds each fiscal year
19 based on risk, consequences, vulnerability, and
20 threat.

21 (2) RESPONSE TO URGENT THREATS.—After
22 providing written notice to the Committee on Trans-
23 portation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Banking, Hous-
25 ing, and Urban Affairs of the Senate, the Secretary

1 may adjust grant allocations under this subsection if
2 the Secretary determines that the adjustment is nec-
3 essary to respond to an urgent threat or other sig-
4 nificant factors.

5 (e) SECURITY IMPROVEMENT PRIORITIES.—

6 (1) IN GENERAL.—The Secretary, in consulta-
7 tion with the Secretary of Homeland Security, shall
8 establish security improvement priorities for each
9 public transportation agency receiving a public
10 transportation security assessment.

11 (2) CONSULTATION; PRIORITIZED PLAN.—The
12 Secretary shall establish priorities under paragraph
13 (1)—

14 (A) in consultation with the management
15 and employee representatives of the public
16 transportation agency; and

17 (B) in a manner that is consistent with the
18 system's prioritized plan of needed capital and
19 operational security improvements described in
20 section 103(b).

21 (3) APPLICABILITY.—Priorities established
22 under paragraph (1) shall apply to funds provided to
23 a public transportation agency under this section.

1 (f) TRANSIT AGENCY RESPONSIBILITIES.—Each
2 public transportation agency that receives a grant under
3 this section shall—

4 (1) identify a security coordinator to coordinate
5 security improvements;

6 (2) develop a comprehensive plan that dem-
7 onstrates the agency's capacity for operating and
8 maintaining the equipment purchased under this
9 section; and

10 (3) report annually to the Department of
11 Transportation on the use of grant funds received
12 under this section.

13 (g) GRANT REQUIREMENTS.—Except as otherwise
14 specifically provided in this title, a grant provided under
15 this section shall be subject to the terms and conditions
16 applicable to grants made under section 5307 of title 49,
17 United States Code, and to such other terms and condi-
18 tions as are determined by the Secretary.

19 **SEC. 106. INTELLIGENCE SHARING.**

20 (a) INTELLIGENCE SHARING.—The Secretary shall
21 request that the Secretary of Homeland Security provide
22 appropriate and timely notification of all credible terrorist
23 threats against public transportation assets in the United
24 States.

25 (b) INFORMATION SHARING ANALYSIS CENTER.—

1 (1) ESTABLISHMENT.—The Secretary shall
2 fund the reasonable costs of the Information Shar-
3 ing and Analysis Center for Public Transportation
4 (referred to in this subsection as the “ISAC”) estab-
5 lished pursuant to Presidential Directive 63 to pro-
6 tect critical infrastructure.

7 (2) PUBLIC TRANSPORTATION AGENCY PARTICI-
8 PATION.—The Secretary—

9 (A) shall require those public transpor-
10 tation agencies that the Secretary determines to
11 be at significant risk of terrorist attack to par-
12 ticipate in the ISAC;

13 (B) shall encourage all other public trans-
14 portation agencies to participate in the ISAC;
15 and

16 (C) shall not charge any public transpor-
17 tation agency a fee for participation in the
18 ISAC.

19 **SEC. 107. REPORTING REQUIREMENT.**

20 (a) IN GENERAL.—Not later than September 30,
21 2008, the Secretary, in consultation with the Secretary of
22 Homeland Security, shall submit to the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Banking, Housing, and
25 Urban Affairs of the Senate a report that describes the

1 implementation of sections 103 through 106. The Sec-
2 retary may submit the report in classified and unclassified
3 forms.

4 (b) CONTENTS.—The report shall include—

5 (1) a description of the state of public transpor-
6 tation security in the United States; and

7 (2) a description of actions taken by Federal,
8 State, regional, and local governments and private
9 stakeholders to address threats to, and security
10 weaknesses in, the public transportation system and
11 its assets.

12 **SEC. 108. PUBLIC TRANSPORTATION EMPLOYEE SECURITY**
13 **TRAINING PROGRAM.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary, in consulta-
16 tion with the Secretary of Homeland Security, appropriate
17 law enforcement, security, and terrorism experts, rep-
18 resentatives of public transportation agencies, and rep-
19 resentatives of public transportation employees, shall de-
20 velop and issue guidelines for a public transportation em-
21 ployee security training program to prepare public trans-
22 portation employees for potential threat conditions.

23 (b) PUBLIC TRANSPORTATION AGENCY PRO-
24 GRAMS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date on which Secretary issues guidance under
3 subsection (a) in final form, each public transpor-
4 tation agency that has received or is undergoing a
5 public transportation security assessment shall de-
6 velop an employee training program in accordance
7 with such guidance.

8 (2) REVIEW AND APPROVAL.—Each public
9 transportation agency referred to in paragraph (1)
10 shall submit its employee training program to the
11 Secretary for review and approval or amendment.

12 (3) IMPLEMENTATION.—Not later than one
13 year after the date on which the Secretary approves
14 an employee training program of a public transpor-
15 tation agency under paragraph (2), the agency shall
16 complete employee training in accordance with such
17 program with respect to the employees of the agency
18 identified in the agency's public transportation secu-
19 rity assessment. Other public transportation agency
20 employees may also be trained under the agency's
21 employee training program.

22 (c) REPORTING.—As part of the Secretary's report
23 to Congress under section 107, the Secretary shall include
24 an analysis of the extent to which public transportation

1 agencies are successfully carrying out the employee train-
2 ing programs described in this section.

3 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—
5 Subject to subsection (d), there is authorized to be appro-
6 priated such sums as may be necessary to carry out sec-
7 tion 105(a) for each of fiscal years 2008 through 2010.

8 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
9 GRAM.—Subject to subsection (d), there is authorized to
10 be appropriated such sums as may be necessary to carry
11 out section 105(b) for each of fiscal years 2008 through
12 2010.

13 (c) INFORMATION SHARING AND ANALYSIS CEN-
14 TER.—There is authorized to be appropriated to carry out
15 section 106(b) \$1,000,000 for each of fiscal years 2008
16 through 2010.

17 (d) EFFECT OF RECOMMENDED FUNDING LEV-
18 ELS.—Amounts appropriated for a fiscal year to carry out
19 a program authorized by section 105(a) or 105(b) may
20 not exceed the recommended funding level for that pro-
21 gram established by the Secretary for that fiscal year
22 under section 104(c).

23 (e) PERIOD OF AVAILABILITY.—Sums appropriated
24 pursuant to this section shall remain available until ex-
25 pended.

1 **TITLE II—OVER-THE-ROAD BUS**
2 **SECURITY ASSISTANCE**

3 **SEC. 201. EMERGENCY OVER-THE-ROAD BUS SECURITY AS-**
4 **SISTANCE.**

5 (a) IN GENERAL.—The Secretary of Transportation,
6 acting through the Administrator of the Federal Motor
7 Carrier Safety Administration, shall establish a program
8 for making grants to private operators of over-the-road
9 buses for system-wide security improvements to their oper-
10 ations, including—

11 (1) constructing and modifying terminals, ga-
12 rages, facilities, or over-the-road buses to assure
13 their security;

14 (2) protecting or isolating the driver;

15 (3) acquiring, upgrading, installing, or oper-
16 ating equipment, software, or accessorial services for
17 collection, storage, or exchange of passenger and
18 driver information through ticketing systems or oth-
19 erwise, and information links with government agen-
20 cies;

21 (4) training employees in recognizing and re-
22 sponding to security threats, evacuation procedures,
23 passenger screening procedures, and baggage inspec-
24 tion;

25 (5) hiring and training security officers;

1 (6) installing cameras and video surveillance
2 equipment on over-the-road buses and at terminals,
3 garages, and over-the-road bus facilities;

4 (7) creating a program for employee identifica-
5 tion or background investigation;

6 (8) establishing an emergency communications
7 system linked to law enforcement and emergency
8 personnel; and

9 (9) implementing and operating passenger
10 screening programs at terminals and on over-the-
11 road buses.

12 (b) FEDERAL SHARE.—The Federal share of the cost
13 for which any grant is made under this section shall be
14 80 percent.

15 (c) GRANT REQUIREMENTS.—A grant under this sec-
16 tion shall be subject to all the terms and conditions that
17 a grant is subject to under section 3038(f) of the Trans-
18 portation Equity Act for the 21st Century (49 U.S.C.
19 5310 note; 112 Stat. 393).

20 (d) REPORT ON INDUSTRY PRIORITIES.—

21 (1) STUDY.—The Administrator of the Federal
22 Motor Carrier Safety Administration shall conduct a
23 study of—

24 (A) the critical assets and systems of the
25 nationwide over-the-road bus industry;

1 (B) security threats to the assets and sys-
2 tems;

3 (C) security weaknesses in the assets and
4 systems; and

5 (D) redundant and backup systems re-
6 quired to ensure the continued operation of crit-
7 ical elements of the assets and systems in the
8 event of an attack or other incident.

9 (2) CONSULTATION.—In conducting the study,
10 the Administrator shall consult with representatives
11 of private over-the-road bus operators and the em-
12 ployees of such operators.

13 (3) REPORT.—Not later than 90 days after the
14 date of enactment of this Act, the Administrator
15 shall submit to the Secretary of Transportation and
16 the Secretary of Homeland Security a report, based
17 on the results of the study, detailing the critical as-
18 sets, threats, and weaknesses in the over-the-road
19 bus industry. The Administrator shall update the re-
20 port on an annual basis.

21 (e) ALLOCATION OF GRANTS.—The Secretary of
22 Transportation, in consultation with the Secretary of
23 Homeland Security, shall establish priorities for the allo-
24 cation of grants under this section based on the report

1 required by subsection (d)(3) and shall make grants under
2 this section in accordance with those priorities.

3 **SEC. 202. PLAN REQUIREMENT.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 may not make a grant under section 201 to a private oper-
6 ator of over-the-road buses until the operator has first
7 submitted to the Secretary an application containing—

8 (1) a plan for making security improvements
9 described in section 201 and the Secretary has ap-
10 proved the plan; and

11 (2) such additional information as the Secretary
12 may require to ensure accountability for the obliga-
13 tion and expenditure of amounts made available to
14 the operator under the grant.

15 (b) COORDINATION.—To the extent that an applica-
16 tion for a grant submitted under this section proposes se-
17 curity improvements within a specific terminal owned and
18 operated by an entity other than the applicant, the appli-
19 cant shall demonstrate to the satisfaction of the Secretary
20 that the applicant has coordinated the security improve-
21 ments for the terminal with that entity.

22 (c) CONSULTATION WITH DHS.—In approving plans
23 under subsection (a)(1), the Secretary may consult with
24 the Secretary of Homeland Security.

1 **SEC. 203. OVER-THE-ROAD BUS DEFINED.**

2 In this title, the term “over-the-road bus” means a
3 bus characterized by an elevated passenger deck located
4 over a baggage compartment.

5 **SEC. 204. BUS SECURITY ASSESSMENT.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall transmit to the Committee on Transportation
9 and Infrastructure of the House of Representatives and
10 the Committee on Commerce, Science, and Transportation
11 of the Senate a preliminary report in accordance with the
12 requirements of this section.

13 (b) CONTENTS OF PRELIMINARY REPORT.—The pre-
14 liminary report shall include—

15 (1) an assessment of the over-the-road bus se-
16 curity grant program;

17 (2) an assessment of actions already taken to
18 address identified security issues by both public and
19 private entities and recommendations on whether ad-
20 ditional safety and security enforcement actions are
21 needed;

22 (3) an assessment of whether additional legisla-
23 tion is needed to provide for the security of Ameri-
24 cans traveling on over-the-road buses;

25 (4) an assessment of the economic impact that
26 security upgrades of buses and bus facilities may

1 have on the over-the-road bus transportation indus-
2 try and its employees;

3 (5) an assessment of ongoing research and the
4 need for additional research on over-the-road bus se-
5 curity, including engine shut-off mechanisms, chem-
6 ical and biological weapon detection technology, and
7 the feasibility of compartmentalization of the driver;

8 (6) an assessment of industry best practices to
9 enhance security; and

10 (7) an assessment of the total costs of needed
11 improvements to substantially improve the security
12 of the Nation's over-the-road bus industry and a rec-
13 ommended funding level for carrying out this title
14 based on that assessment for each of fiscal years
15 2008 through 2010.

16 (c) CONSULTATION WITH INDUSTRY, LABOR, AND
17 OTHER GROUPS.—In carrying out this section, the Sec-
18 retary shall consult with over-the-road bus management
19 and labor representatives, public safety and law enforce-
20 ment officials, and the National Academy of Sciences.

21 **SEC. 205. FUNDING.**

22 (a) IN GENERAL.—Subject to subsection (b), there
23 is authorized to be appropriated to the Secretary of Trans-
24 portation such sums as may be necessary to carry out this
25 title for each of fiscal years 2008 through 2010.

1 (b) EFFECT OF RECOMMENDED FUNDING LEV-
2 ELS.—Amounts appropriated for a fiscal year to carry out
3 this title may not exceed the recommended funding level
4 established by the Secretary for that fiscal year under sec-
5 tion 204(b)(7) .

6 (c) PERIOD OF AVAILABILITY.—Amounts appro-
7 priated pursuant to this section shall remain available
8 until expended.

9 **TITLE III—RAIL SECURITY**

10 **SEC. 301. RAILROAD TRANSPORTATION SECURITY PLAN.**

11 (a) REQUIREMENT.—

12 (1) IN GENERAL.—The Secretary of Transpor-
13 tation, in consultation with the Under Secretary of
14 Homeland Security for Border and Transportation
15 Security, shall develop a plan for the security of the
16 Nation's railroads. The plan shall include—

17 (A) identification and evaluation of critical
18 railroad assets and infrastructures;

19 (B) identification of threats to those assets
20 and infrastructures;

21 (C) identification of vulnerabilities that are
22 specific to the transportation of hazardous ma-
23 terials via railroad;

24 (D) identification of redundant and backup
25 systems required to ensure the continued oper-

1 ation of critical elements of the railroad system
2 in the event of an attack or other incident, in-
3 cluding disruption of commercial electric power
4 or communications networks;

5 (E) identification of security weaknesses in
6 passenger and cargo security, transportation in-
7 frastructure, protection systems, procedural
8 policies, communications systems, employee
9 training, emergency response planning, and any
10 other area identified by the plan;

11 (F) a plan for the Federal Government to
12 provide increased security support at high or
13 severe threat levels of alert, developed in con-
14 sultation with the freight and intercity pas-
15 senger railroads and State and local govern-
16 ments;

17 (G) procedures for establishing and main-
18 taining permanent and comprehensive consult-
19 ative relations among the parties described in
20 subsection (b); and

21 (H) a contingency plan, developed in con-
22 junction with freight and intercity and com-
23 muter passenger railroads, to ensure the contin-
24 ued movement of freight and passengers in the

1 event of an attack affecting the railroad system,
2 which shall contemplate—

3 (i) the possibility of rerouting traffic
4 due to the loss of critical infrastructure,
5 such as a bridge, tunnel, yard, or station;
6 and

7 (ii) methods of continuing railroad
8 service in the Northeast Corridor in the
9 event of a commercial power loss, or catas-
10 trophe affecting a critical bridge, tunnel,
11 yard, or station.

12 (2) EXISTING PRIVATE AND PUBLIC SECTOR
13 EFFORTS.—The plan shall take into account actions
14 taken or planned by both public and private entities
15 to address identified security issues and assess the
16 effective integration of such actions.

17 (3) RECOMMENDATIONS.—The Secretary of
18 Transportation shall develop and implement
19 prioritized recommendations for improving railroad
20 security, including recommendations for—

21 (A) improving the security of rail tunnels,
22 rail bridges, rail switching and car storage
23 areas, other rail infrastructure and facilities, in-
24 formation systems, and other areas identified
25 by the Secretary as posing significant railroad-

1 related risks to public safety and the movement
2 of interstate commerce, taking into account the
3 impact that any proposed security measure
4 might have on the provision of railroad service;

5 (B) deploying equipment to detect explo-
6 sives and hazardous chemical, biological, and
7 radioactive substances, and any appropriate
8 countermeasures;

9 (C) installing redundant and backup sys-
10 tems to ensure the continued operation of crit-
11 ical elements of the railroad system in the event
12 of an attack or other incident, including disrup-
13 tion of commercial electric power or commu-
14 nications networks;

15 (D) conducting public outreach campaigns
16 on passenger railroads;

17 (E) deploying surveillance equipment; and

18 (F) identifying the immediate and long-
19 term costs of measures that may be required to
20 address those risks.

21 (b) CONSULTATION.—In developing the plan under
22 subsection (a), the Secretary of Transportation shall con-
23 sult with rail management, rail labor, owners or lessors
24 of rail cars used to transport hazardous materials, first
25 responders, shippers of hazardous materials, State De-

1 partments of Transportation, public safety officials (in-
2 cluding those within agencies and offices of the Depart-
3 ment of Homeland Security), and other relevant parties.

4 (c) REPORT.—

5 (1) CONTENTS.—Not later than 180 days after
6 the date of enactment of this Act, the Secretary of
7 Transportation shall transmit to the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report
11 containing the plan and prioritized recommendations
12 required by subsection (a), along with recommended
13 funding levels for each of fiscal years 2008 through
14 2010 for carrying out the implementation plan and
15 such recommendations.

16 (2) FORMAT.—The Secretary may submit the
17 report in both classified and redacted formats if the
18 Secretary determines that such action is appropriate
19 or necessary.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of
22 Transportation such sums as may be necessary for fiscal
23 years 2008 through 2010 for the purpose of carrying out
24 this section. Amounts appropriated for a fiscal year to
25 carry out this section may not exceed the recommended

1 funding level for such fiscal year established by the Sec-
2 retary under subsection (c)(1). Amounts appropriated
3 pursuant to this subsection shall remain available until ex-
4 pended.

5 **SEC. 302. SILENCE MEANS SECURITY.**

6 (a) DEFINITIONS.—For the purposes of this sec-
7 tion—

8 (1) the term “cargo information” means infor-
9 mation regarding—

10 (A) the contents of a rail car or container
11 containing hazardous material, except for infor-
12 mation contained on a placard placed on a rail
13 car;

14 (B) the routes of such hazardous material,
15 including ports of embarkation and disembarka-
16 tion and locations of acceptance and delivery by
17 shippers; or

18 (C) security threats or incidents occurring
19 en route;

20 (2) the term “covered individual” means an em-
21 ployee of—

22 (A) a rail carrier;

23 (B) a rail shipper; or

24 (C) a railroad contractor or railroad labor
25 organization; and

1 (3) the term “security vulnerability” means the
2 existence of a condition, practice, or procedure which
3 may constitute a threat to national or homeland se-
4 curity.

5 (b) PROHIBITION.—Except as provided in subsection
6 (c), no covered individual shall reveal a security vulner-
7 ability, cargo information, security plan, or security train-
8 ing program to any other person.

9 (c) REPORTING OF A SECURITY VULNERABILITY OR
10 CARGO INFORMATION.—A covered individual may lawfully
11 reveal or report a security vulnerability, cargo information,
12 security plan, or security training program to—

13 (1) an employee of a railroad, or an agent act-
14 ing on behalf of a railroad;

15 (2) a railroad police officer or any other Fed-
16 eral, State, or local law enforcement or public safety
17 official;

18 (3) a representative of the covered individual’s
19 labor organization;

20 (4) a representative of a railroad industry orga-
21 nization, including the Association of American Rail-
22 roads, the American Public Transportation Associa-
23 tion, the American Short Line and Regional Rail-
24 road Association, and the Railway Supply Institute;

1 (5) a representative of the Department of
2 Transportation or Department of Homeland Secu-
3 rity, or any agency thereof; or

4 (6) a rail shipper, consignee, rail equipment
5 owner, lessor or lessee, or person handling or proc-
6 essing cargo information on behalf of a railroad,
7 shipper, or consignee.

8 (d) CIVIL PENALTIES.—Any person who violates this
9 section shall be subject to a civil penalty assessed by the
10 Secretary of Transportation in an amount not to exceed
11 \$5,000 per violation.

12 **SEC. 303. MISCELLANEOUS TECHNICAL AND CONFORMING**
13 **PROVISIONS.**

14 (a) RAIL POLICE OFFICERS.—Section 28101 of title
15 49, United States Code, is amended by striking “the rail
16 carrier” each place it appears and inserting “any rail car-
17 rier”.

18 (b) REVIEW OF RAIL REGULATIONS.—Not later than
19 1 year after the date of enactment of this Act, the Sec-
20 retary of Transportation, in consultation with the Under
21 Secretary of Homeland Security for Border and Transpor-
22 tation Security, shall review existing rail regulations of the
23 Department of Transportation for the purpose of identi-
24 fying areas in which those regulations need to be revised
25 to improve railroad security.

1 (c) RAILROAD SECURITY.—Section 20101 of title 49,
2 United States Code, is amended by striking “safety” and
3 inserting “safety, including security,”.

4 (d) RAIL SAFETY REGULATIONS.—Section 20103(a)
5 of title 49, United States Code, is amended by striking
6 “safety” the first place it appears, and inserting “safety,
7 including security,”.

8 (e) CERTAIN PERSONNEL LIMITATIONS NOT TO
9 APPLY.—Any statutory limitation on the number of em-
10 ployees in the Transportation Security Administration of
11 the Department of Transportation, before or after its
12 transfer to the Department of Homeland Security, does
13 not apply to the extent that any such employees are re-
14 sponsible for implementing the provisions of this title.

15 **SEC. 304. DEFINITION.**

16 For purposes of this title, the term “railroad” has
17 the meaning given that term in section 20102 of title 49,
18 United States Code.